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2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 IN RE COMPLIANCE
6 WITH RCW 42.17

7 Balisa Weber

8 Respondent.

) PDC CASE NO.: 03-462
)
)

) **FINAL ORDER IMPOSING FINE**
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9
10 **INTRODUCTION**

11 The Washington State Public Disclosure Commission (Commission) conducted an
12 enforcement hearing (adjudicative hearing) under chapters 34.05 and 42.17 RCW and
13 chapter 390-37 WAC on December 10, 2003 with respect to the above-encaptioned matter.
14 The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol
15 Way South, in Olympia, Washington. The Commission held the hearing to determine if, as
16 a School Director in Conway School District 317, the Respondent violated RCW 42.17.240
17 by failing to timely file the annual Personal Financial Affairs Statement (PDC Form F-1) by
18 April 15, 2003, and to determine if the Respondent violated RCW 42.17.240 by failing to
19 timely file the F-1 statement within two weeks of becoming a candidate for the same office
20 in the 2003 election. The Staff appeared through Philip E. Stutzman, Director of
21 Compliance. The Respondent did not appear at the hearing.
22

23 During the hearing, the Staff presented, for the Commission's consideration, the
24 Notice of Administrative Charges issued November 19, 2003, which alleged a violation of
25 RCW 42.17.240, and its exhibits, which included: 1) August 22, 2003 Annual F-1 Warning
26

1 Letter; 2) Declaration of Candidacy; 3) September 18, 2003 Candidate F-1 Warning Letter;
2 and 4) F-1 Report Filed on October 7, 2003. The Notice of Administrative Charges and
3 exhibits are incorporated by reference into this Order.

4 After due consideration of the Notice of Administrative Charges and its exhibits, and
5 oral argument by Staff, the Commission makes the following findings and enters the
6 following order.
7

8 **FINDINGS**

9 Based on this record, the Commission enters the following findings.

- 10 1. RCW 42.17.240 requires elected and appointed officials, after January 1st and before
11 April 15th of each year, to file with the commission a Statement of Financial Affairs for
12 the preceding calendar year.
13
- 14 2. RCW 42.17.240 requires candidates to file with the commission a Statement of
15 Financial Affairs for the preceding twelve months. The report is due within two weeks
16 of becoming a candidate. No individual may be required to file more than one F-1
17 report in any calendar year.
- 18 3. The Respondent is a School Director in Conway School District 317 who held office
19 during 2002 and was required to file a Statement of Financial Affairs (PDC form F-1)
20 by April 15, 2003.
21
- 22 4. The Respondent was reminded by letter on August 22, 2003 to file the missing F-1
23 report. The annual F-1 report was not timely filed.
- 24 5. The Respondent filed a Declaration of Candidacy with the Skagit County Auditor on
25 July 29, 2003. Her name appeared on the general election ballot on November 4, 2003.
26 As a candidate in the November 4, 2003 general election, the Respondent was required

1 to file an F-1 Report within two weeks of becoming a candidate, or by August 12, 2003.

2 The report, required because the Respondent had not submitted the annual F-1 report by
3 April 15, 2003, was not timely filed.

- 4
5 6. On September 18, 2003, the Respondent was sent a letter informing her that the F-1
6 report due within two weeks of becoming a candidate had not been received. The letter
7 stated that filing her F-1 report as a candidate would not impact her failure to comply
8 with the annual F-1 filing requirement.

- 9 7. The F-1 report due by August 12, 2003, was filed on October 7, 2003.

10 **ORDER**

11 The Commission orders as follows:

- 12
13 1. That the Respondent committed two violations of RCW 42.17.240.
14 2. That a total civil penalty of \$600 is assessed against the Respondent.

15
16 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

17 Any party may ask the Commission to reconsider this final order. Parties must
18 place their requests for reconsideration in writing, include the specific grounds or reasons
19 for the request, and deliver the request to the Public Disclosure Commission Office within
20 **TEN (10) days** of the date that the Commission serves this order upon the party. Pursuant
21 to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the
22 petition for reconsideration if, within twenty (20) days from the date the petition is filed, the
23 Commission does not either dispose of the petition or serve the parties with written notice
24 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the
25
26

1 Respondent is not required to ask the Public Disclosure Commission to reconsider the final
2 order before seeking judicial review by a superior court.

3 4 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

5
6 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
7 Commission is subject to judicial review under the Administrative Procedures Act, chapter
8 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
9 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
10 County or the petitioner's county of residence or principal place of business. The petition
11 for judicial review must be served on the Public Disclosure Commission and any other
12 parties within **30 days** of the date that the Public Disclosure Commission serves this final
13 order on the parties.
14

15 If reconsideration is properly sought, the petition for judicial review must be served
16 on the Public Disclosure Commission and any other parties within thirty (30) days after the
17 Commission acts on the petition for reconsideration.
18

19 **ENFORCEMENT OF FINAL ORDERS**

20
21 The Commission will seek to enforce this final order in superior court under RCW
22 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid
23 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
24 will be taken without further order by the Commission.
25
26

1 DATED THIS 24th day of December, 2003.

2

3 FOR THE COMMISSION:

4

/s/

5

6 VICKI RIPPIE, Executive Director

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8 *MAILING DATE OF THIS ORDER:*

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10

11 *Copy mailed to:*

12 Linda Dalton, Senior Assistant Attorney General

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FINAL ORDER

PDC Case No. 03-462 - 5